



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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### MEMORANDUM

DATE: January 18, 2007

TO: All Judges  
cc: Clerks of the Court, County Clerks, Court Administrators, Probate, and  
Juvenile Registers

FROM: Sandi Hartnell  
Manager, Court Services Team

RE: Additional New Public Acts Affecting the Judiciary

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Several additional bills were signed into law recently that affect the judiciary in some way. They are summarized below.

2006 PA 663 took effect January 10, 2007.

This act amends the Code of Criminal Procedure [MCL 769.4a] to limit eligibility for a deferred judgment of guilt for a case in which the defendant is found guilty of or pleads guilty to a violation of MCL 750.81 and 750.81a. The court now must determine whether the defendant was previously guilty of an assaultive crime or previously availed himself or herself of a deferred judgment of guilt under this section. If a previous conviction of an assaultive crime was entered, the defendant is not eligible for a deferred judgment of guilt under this statute.

The amendments of the statute expand the conditions of probation a court may enter to include any condition of probation authorized under MCL 771.3. The court may also order the defendant to be imprisoned for not more than 12 months at the time of sentencing or for specific intervals, which may be consecutive or nonconsecutive and within the period of probation. However, the period of imprisonment may not exceed the maximum period authorized for the offense if the maximum period is less than 12 months. The court may permit day parole as authorized under MCL 801.251 to 801.258, and may permit a work or school release from jail.

The amendments also expand the definition of assaultive crime to include a violation of another state or a local ordinance of a political subdivision of this state or another state substantially corresponding to a violation described in MCL 750.81 to 750.90g, or a violation of any crime defined as an assaultive crime in MCL 770.9a.

2006 PA 668 took effect January 10, 2007.

This act creates a new section in the Code of Criminal Procedure [MCL 764.1g] to require a court that enters warrants into Law Enforcement Information Network (LEIN) for persons not in custody to promptly give notice to the Department of Corrections (DOC) if the person is determined to be a parolee and the investigating law enforcement agency informs the court that the person is a parolee.

The notice must include all of the following:

- (a) The identity of the person named in the warrant.
- (b) The fact that information in databases managed by DOC and accessible via LEIN provides reason to believe the person named in the warrant is a parolee under the jurisdiction of DOC.
- (c) The charge or charges stated in the warrant.

Notice may be transmitted to any of the following:

- (a) A central toll-free telephone number designated by DOC for that purpose that is in operation 24 hours a day and is posted in the department's database concerning the status of parolees.
- (b) A parole agent serving the county in which the warrant is issued or is being sought.
- (c) The supervisor of the parole office serving the county in which the warrant is issued or is being sought.

If a court has assumed responsibility for entering arrest warrants into LEIN and the court delays issuance or entry of a warrant pending a court appearance by the person named in the warrant, the law enforcement agency submitting the sworn complaint to the court must give notice to DOC as described in 764.1g(2).

2006 PA 544 takes effect March 30, 2007.

This act amends the Revised Judicature Act [MCL 600.1715] by increasing the penalty for a finding of contempt from \$250 to \$7,500, and increasing the maximum imprisonment from 30 to 93 days, or both. In addition, the statute allows the court to place an individual who is guilty of criminal contempt on probation in the same manner as a person guilty of a misdemeanor, as provided by MCL 771.1 to 771.14a.

Questions may be referred to the following analysts:

Circuit Court	Dawn Childress	517-373-3756	<a href="mailto:ChildressD@courts.mi.gov">ChildressD@courts.mi.gov</a>
Family Division-Juvenile	Jennifer Warner	517-373-7454	<a href="mailto:WarnerJ@courts.mi.gov">WarnerJ@courts.mi.gov</a>
District Court	Jill Booth	517-373-2173	<a href="mailto:BoothJ@courts.mi.gov">BoothJ@courts.mi.gov</a>
	Sandi Hartnell	517-373-0122	<a href="mailto:HartnellS@courts.mi.gov">HartnellS@courts.mi.gov</a>
Probate Court	Jean Mahjoory	517-373-3769	<a href="mailto:MahjooryJ@courts.mi.gov">MahjooryJ@courts.mi.gov</a>